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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,414	12/22/2000	Yuka Nagai	862.C2079	8024
5514	7590	10/19/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MILIA, MARK R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/742,414

Applicant(s)

NAGAI ET AL.

Examiner

Mark R. Milia

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-37, 42-46 and 51 is/are allowed.
- 6) ☒ Claim(s) 38-41, 47-50 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                             |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/9/05</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/9/05 has been entered. Currently, claims 33-52 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 33-52 have been considered but are moot in view of the new ground(s) of rejection. Particularly, with regard to arguments with respect to newly added claims, 33, 42, and 51, on pages 14-16, the examiner agrees that the references of Kawabuchi and Hisatake fail to disclose "a setting unit that sets one of a plurality of modes according to a user's designation, said modes including a first mode that stops an active job without displaying a list of active jobs in accordance with a designation input to stop an operation in progress, and a second mode that displays a list of active jobs and stops a job selected by the user from the list in

accordance with a designation input to stop an operation in progress". A new ground(s) of rejection is made in view of the newly added claims and newly found prior art.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 38-41, 47-50, and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Laid-Open No. 11-3004 to Masuda as cited on the Information Disclosure Statement dated 8/9/05. Reference will be made to the translation of the above document provided by the applicant.

Regarding claims 38, 47, and 52, Masuda discloses an image processing apparatus, method, and computer program embodied in a computer-readable medium comprising: an input unit that inputs a designation to stop an operation in progress (see Fig. 1 and paragraph [0048] lines 1-2), a second display unit that displays a list of jobs existing in said image processing apparatus in a case where a scanning (analogous to the copy operation disclosed by the reference as scanning is part of the copy process) operation is not in progress at the time of a designation input by said input unit (see paragraph [0048] lines 3-8) and a stop unit that stops a scanning operation without displaying a list of jobs by said second display unit in a case where the scanning

operation is in progress at the time of a designation input by said input unit (see paragraphs [0048] lines 11-13, [0049] lines 1-3, and [0051]-[0052]).

Regarding claims 39 and 48, Masuda discloses the system discussed in claims 38 and 47, and further discloses a second determination unit that determines whether or not said image processing apparatus is executing a scanning operation (see paragraph [0048]), wherein in a case where it is determined by said determination unit that a scanning operation is not in progress, said second display unit displays a list of jobs existing in said image processing apparatus (see paragraph [0048] lines 3-8), and in a case where it is determined by said determination unit that a scanning operation is in progress, said stop unit stops the scanning operation without displaying a list of jobs by said display unit (see paragraphs [0048] lines 11-13, [0049] lines 1-3, and [0051]-[0052]).

Regarding claims 40 and 49, Masuda discloses the system discussed in claims 38 and 47, and further discloses a second stop unit that stops a job selected by a user from the list displayed by said second display unit (see paragraph [0048] lines 8-11 and [0051]).

Regarding claims 41 and 50, Masuda discloses the system discussed in claims 38 and 47, and further discloses wherein said image processing apparatus is capable of executing in parallel a plurality of jobs (see paragraph [0046]).

***Allowable Subject Matter***

5. Claims 33-37, 42-46, and 51 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: Examiner believes that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the setting of a first or second mode by a user, in which the first mode stops an active job without displaying a list of active jobs in accordance with a designation input to stop an operation in progress and in which the second mode displays a list of active jobs and stops a job selected by the user from the list in accordance with a designation input to stop an operation in progress, along with the determination of the current mode that has been set by the user and the controlling of the system depending on the particular mode that has been set, with the other limitations set forth in claims 33-37, 42-46, and 51.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to the attached Notice of References Cited.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRM

Mark R. Milia  
Examiner  
Art Unit 2622

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
EBC CENTER 2622